

Title: Dalron Construction Ltd.

Date: March 10, 2020

STAFF REPORT

PROPOSAL:

The owner is requesting to extend and continue to exempt those lands now described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the [Planning Act](#) for an additional maximum period of two years.

The extended exemption from part lot control would facilitate a further series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. At the time of writing this report, it appears to staff that a total of six new urban residential lots have been created and conveyed through the utilization of the lifting of part lot control.

Existing Zoning: "R2-2", Low Density Residential Two

The "R2-2" Zone permits a bed and breakfast establishment with a maximum of two rooms, duplex dwelling, a group home type 1 with a maximum of ten beds, linked dwelling, multiple dwelling containing a maximum of four dwelling units, private home daycare, semi-detached dwelling, and a single-detached dwelling.

The owner is not requesting any changes to the applicable zoning on the subject lands.

Location and Site Description:

The lands subject to the request are at present legally described as being PINs PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim (Arvo Avenue & Holland Avenue, Sudbury).

The subject lands are located on the west side of Holland Road and to the north of Lamothe Street and to the east of Arvo Avenue in the community of New Sudbury. The remaining un-conveyed lands have a total lot area of approximately 8,344 m² (89,814.07 ft²) with approximately 48 m (157.48 ft) of frontage remaining on Arvo Avenue and 180 m (590.06 ft) of frontage remaining on Holland Road. The lands formerly contained an elementary school which has now since been demolished.

Surrounding Land Uses:

North: Low density urban residential land uses.

East: Low density urban residential land uses.

South: Low density urban residential land uses, commercial land uses and higher density urban residential land uses are located further to the south along the Lasalle Boulevard corridor.

West: Low density urban residential land uses and a public elementary school to the south-west which is accessed from Roy Avenue.

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The existing zoning and location map attached to this report indicates the location of the subject lands where the lifting of part lot control would continue to apply for an additional period of two years should the request be approved, as well as the applicable zoning in the immediate area.

Public Consultation:

There are no statutory public notice requirements under Section 50(7) of the Planning Act, R.S.O. 1990, c. P.13 for the lifting of part lot control. There is also no requirement to hold a public hearing before the approval authority when Section 50(7) of the Planning Act is utilized for the purposes of lifting part lot control from certain lands. The same as noted above applies when an application to extend the lifting of part lot control is being requested.

POLICY AND REGULATORY FRAMEWORK:

The property is subject to the following policy and regulatory framework:

- [Planning Act, R.S.O. 1990, c. P.13](#)
- [2014 Provincial Policy Statement \(PPS\)](#);
- [2011 Growth Plan for Northern Ontario](#);
- [Official Plan for the City of Greater Sudbury](#); and,
- [Zoning By-law 2010-100Z](#).

The PPS and the Growth Plan for Northern Ontario, along with the City's Official Plan, provide a policy framework for land use planning and development in the City of Greater Sudbury. This framework is implemented through a range of land use planning controls such as, but not limited to, zoning by-laws, plans of subdivision, the lifting of part lot control where a registered plan of subdivision exists, and site plans.

Planning Act, R.S.O. 1990, c. P.13:

With respect to statute law, part lot control is established under Section 50(5) of the Planning Act, while Section 50(7) enables a municipality to pass a by-law exempting part lot control from all or part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot without requiring approval from the City's Consent Official. Section 50(7.4) of the Planning Act would allow for an extension to the two year time period. The general accepted practice where an extension is being sought is to allow the existing by-law to expire and replace it with a new by-law referencing those lands that remain un-conveyed, which has the effect of placing part lot control back in place for those lots that have now been created through the previous and now former lifting of part lot control by-law.

2014 Provincial Policy Statement (PPS):

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters are consistent with the 2014 PPS. Staff has reviewed the 2014 PPS and is satisfied that no matters of provincial interest are impacted should the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report and still remaining within Registered Plan of Subdivision M-353.

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Growth Plan for Northern Ontario:

Municipalities in the Province of Ontario are required under Section 3 of the Planning Act to ensure that decisions affecting planning matters conform with the Growth Plan for Northern Ontario. Staff has reviewed the planning matters contained within the Growth Plan for Northern Ontario and are satisfied that the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report conforms to and does not conflict with the Growth Plan for Northern Ontario.

Official Plan for the City of Greater Sudbury:

Staff has reviewed the City's Official Plan and is satisfied that no issue with respect to conformity with the Official Plan would be negatively impacted should the application to extend the lifting of part lot control on the remaining un-conveyed lands as legally described in this report and still remaining within Registered Plan of Subdivision M-353.

Zoning By-law 2010-100Z:

The owner is not requesting any changes at this time to the "R2-2" zoning that is applicable to the subject lands. The extension of the lift of part lot control on the lands legally described in this report would continue to facilitate a further series of lot boundary re-alignments to the underlying registered plan of subdivision in order to create and develop lots in accordance with the "R2-2" Zone permissions.

Department/Agency Review:

The application including relevant accompanying materials related to the legally described and un-conveyed parcels of land remaining in Registered Plan of Subdivision M-353 has been circulated to all appropriate agencies and departments. Responses received from agencies and departments have been used to assist in evaluating the request to extend the lifting of part lot control on the subject lands should the application be approved.

During the review of the request to extend the lifting of part lot control, comments provided by circulated agencies and departments included the following:

Active Transportation, Building Services, the Drainage Section, Operations, and Roads, Traffic and Transportation, and Transit Services have each advised that they no concerns from respective areas of interest.

Development Engineering has no concerns with the extension request and have noted that since the initial exemption from part lot control was granted that six urban residential lots have been created and construction drawings were approved for the servicing of the remainder of the lots.

PLANNING ANALYSIS:

The following section provides a planning analysis of the application in respect of the applicable policies and regulatory framework, including issues raised through agency and department circulation.

The lands that are the subject of the extension request are at present legally described as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim. Registered Plan of Subdivision M-353 was registered on November 8, 1954.

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Staff is recommending that a new by-law be passed by Council, which would have the effect of continuing to remove those lands described above from the part lot control provisions of the Planning Act for an additional maximum period of two years. The extension to the lifting of part lot control will allow the owner to continue to complete a series of lot boundary re-alignments to the underlying registered plan of subdivision resulting in a total of sixteen urban residential lots along with two blocks for the purposes of completing a cul-de-sac at the end of Arvo Avenue and a pedestrian connection eastward to Holland Road. Staff notes that a refined and proper legal description of the un-conveyed parcels of land will be required and a registered survey plan prepared if necessary prior to passing a new by-law to continue to exempt these lands from part lot control under the Planning Act.

Staff notes in terms of relevant land use planning background that the lands were also the subject of an application for Zoning By-law Amendment (File # 751-6/16-17), which was approved by Planning Committee on November 21, 2016, and ratified by Council on November 22, 2016. The approved rezoning sought to change the zoning classification applicable to the subject lands from "I", Institutional to "R2-2", Low Density Residential Two under By-law 2010-100Z being the Zoning By-law for the City of Greater Sudbury. Staff advises that the conditions of the rezoning approval have been satisfied and the amending zoning by-law has been enacted by Council and is in full force and effect. The lands therefore are now zoned "R2-2" under the City's Zoning By-law.

A copy of the first staff report addressing the lifting of part lot control is also attached for reference purposes along with a copy of the as-approved Planning Committee resolution referring to the initial lifting of part lot control.

Staff has also provided an updated and marked up sketch depicting approximately those lands which will continue to have part lot control lifted should the request be approved. An updated zoning map has also been provided for reference purposes.

Staff advises that the proposed further exemption from part lot control would continue to most appropriately implement the development intentions of the approved rezoning in terms of facilitating a series of lot boundary re-alignments resulting in urban residential lots that meet the development standards of the now in full force and effect "R2-2" Zone applicable to the lands.

CONCLUSION:

The Planning Services Division recommends that the application to extend and continue to exempt those lands now described legally as PINs 02119-0103, 02119-0102 & Part of PIN 02119-0116, Lots 48 to 50, Part of Lot 51, Lots 58 to 63, Registered Plan M-353, and Part of Arvo Avenue being Part 1 on Plan SR-845, Lot 1, Concession 6, Township of McKim from the part lot control provisions under Section 50(5) of the Planning Act for an additional maximum period of two years be approved and that a by-law be passed by Council to this effect subject to a condition that prior to the passing of a by-law to exempt the above noted lands from part lot control the owner shall provide a complete updated legal description including a registered survey of those lands which have not been conveyed to the satisfaction of the City Solicitor and the Director of Planning Services.